

D.B.CIVIL SPECIAL APPEAL (W) NO.381/2005

Sanjay Kumar.

vs.

The Presiding Officer, Appellate Rent Tribunal, Churu and
others.

DATE OF ORDER ::: 16.12.2005

HON'BLE THE CHIEF JUSTICE MR. S.N. JHA

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr. Chaitanya Gahlot, for the appellant.

Mr. RR Nagori, for the respondent no.3.

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This special appeal is directed against the order of learned Single Judge dated 13.9.2005 on a writ petition arising from proceeding under Section 6 of the Rajasthan Rent Control Act, 2001. The dispute relates to revision of rent. Section 6 provides that notwithstanding anything contained in any agreement, where the premises have been let out before the commencement of this Act, the rent thereof shall be liable to be revised according to the formula as indicated in the Section.

There is no dispute that the tenancy commenced in the instant case on 1.8.1981 and, therefore, the case is covered by clause (b) of Section 6(1) of the Act. According to the appellant, however, as during the intervening period, there was enhancement of rent, the reckoning date should be the date when the rent was enhanced and not the

initial date of commencement of tenancy i.e. 1.8.1981.

We do not find any substance in the submission. There is no ambiguity in the Section and on a plain reading, it is manifest that the revision has to be worked out with reference to the date of commencement of the tenancy. Merely because the term of tenancy relating to rent stood modified by agreement of the parties, we do not think that a new tenancy commenced from such date. The revision has to be worked out treating the initial date of tenancy as the reckoning date and we therefore do not find any infirmity in the order. The appeal is concluded by concurrent findings of the authorities below as well as the learned Single Judge.

Accordingly, this appeal is dismissed.

(PRAKASH TATIA), J.

(S.N. JHA), CJ.

S.Phophaliya